

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CODY J. JONAS,

Plaintiff,

Civil No. 08-243-AA

v.

ORDER

DOLORES EDSON, et al.,

Defendants.

AIKEN, District Judge.

Plaintiff has filed a motion (#6) for "an order temporarily restraining defendants from continually denying [plaintiff] visits, phone, law library, outside exercise and commissary." Plaintiff further moves the court to require defendants to release him from segregation or "release to Administrative Segregation to be available for" such privileges.

In order to establish entitlement to preliminary

equitable relief, the moving party must show, at an irreducible minimum, that they have a fair chance of success on the merits. Stanley v. University of Southern California, 13 F.3d 1313, 1319 (9<sup>th</sup> Cir. 1994), quoting Martin v. International Olympic Committee, 740 F.2d 670, 674-675 (9<sup>th</sup> Cir. 1994); Committee of Cent. American Refugees v. I.N.S., 795 F.2d 1434, 1437 (9<sup>th</sup> Cir. 1986). This is so because the probability of success on the merits is the critical standard in determining the propriety of preliminary relief. Lancor v. Lebanon Housing Authority, 760 F.2d 361, 362 (1<sup>st</sup> Cir. 1985).

In this case, plaintiff's original complaint was dismissed for failure to comply with the minimal pleading standards of the federal rules. Plaintiff has filed an amended complaint which appears to suffer from the same deficiencies that led to the dismissal of the original complaint. Although the court has not thoroughly parsed plaintiff's (64 page) amended complaint to determine whether some claim may exist for pleading purposes, a preliminary review of the amended complaint does not suggest any possibility of success on the merits of plaintiff's claims.

Plaintiff has failed to establish an "irreducible minimum" that he has a "fair chance of success on the merits." Plaintiff's Motion for a Temporary Restraining Order (#6) is denied.

DATED this 13 day of May, 2008.

/s/ Ann Aike  
Ann Aiken  
United States District Judge